

Congress of the United States
Washington, DC 20515

December 3, 2009

Administrator J. Randolph Babbitt
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Dear Administrator Babbitt:

We write to you today regarding the Federal Aviation Administration's delay in implementing much-needed guidelines on pilot fatigue and its refusal to address pilot commuting.

We represent Western New York in the House of Representatives, the location of the February 2009 crash of Continental Connection Flight 3407. This tragedy took the lives of 49 onboard the aircraft and one person on the ground. We are troubled to learn that the new federal guidelines on pilot fatigue – which you pledged to complete by the end of this month – will not be implemented until early 2010. The recent testimony of FAA Associate Administrator for Aviation Safety Peggy Gilligan confirmed this new delay. An early 2010 release will lead to even further delays as other federal agencies review the new rules and as the possibility of an enforcement grace period is considered.

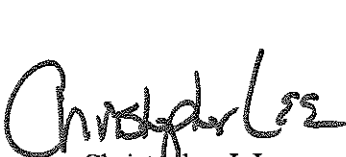
Americans cannot wait any longer for federal action to combat pilot fatigue. The National Transportation Safety Board has listed new pilot fatigue guidelines as one of its “most wanted” recommendations for nearly 20 years. This issue has played a serious role in a number of airline crashes, most notably with Flight 3407.

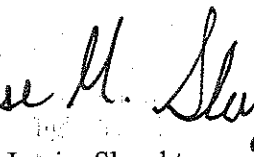
We know from the NTSB hearings that both the captain and first officer of Flight 3407 experienced various levels of fatigue. Flight 3407's captain slept in Newark's Liberty International Airport crew lounge the night before the flight, after commuting from Tampa, Florida. The first officer commuted overnight on a FedEx cargo flight from her parents' home in Seattle. It is only common sense that such arduous, cross-country commutes take a toll on pilot readiness and contribute to a dangerous level of fatigue.

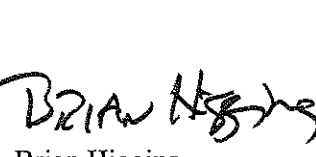
The FAA rule-making committee, which has worked from July to September developing these recommendations, has chosen to overlook the correlation between these commutes and pilot fatigue. Associate Administrator Gilligan acknowledged in her testimony that pilot commuting could create a risk that pilots will step into a cockpit tired, yet she said that the FAA continues “to see that that as a pilot responsibility.” By overlooking long-distance commutes, the guidelines set forth by the FAA will not fully encompass all the contributing factors to pilot fatigue.

It has taken more than 40 years to overhaul rules governing flight crew rest and duty periods. It is time to act now without delay to ensure we are following the very best aviation safety practices. We appreciate your commitment to strengthening pilot fatigue guidelines and look forward to working with you further on these issues.

Sincerely,


Christopher J. Lee
Member of Congress


Louise M. Slaughter
Member of Congress


Brian Higgins
Member of Congress